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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

No. C 10-03564 SI

Plaintiff,

ORDER TO SHOW CAUSE

v.

RENEE NORWOOD,

Defendant.

AND RELATED COUNTER- AND THIRD-
PARTY CLAIMS

On May 2, 2011, defendant Renee Norwood's attorney moved for permission to withdraw as counsel. A hearing on the motion was scheduled for June 3. Defendant did not file a response to her counsel's motion or appear at the hearing. The Court granted counsel's motion, and ordered counsel to notify defendant in writing of her obligations with regard to alternative dispute resolution ("ADR"), and that a motion to dismiss some of defendant's counterclaims had been filed and scheduled for hearing on July 8.

On June 6, the ADR department scheduled a phone conference for June 14. Notice was electronically served on defendant at the email address listed on the docket. On June 9, defendant's former counsel sent defendant a letter in compliance with the Court's order, both by post and by email, and filed the letter on the Court's docket. The letter also notified defendant of the June 14 ADR phone conference. Plaintiff asserts in a recently filed declaration that plaintiff also notified defendant of the conference call by both post and email.¹

¹ Counsel emailed the letter to two email addresses, including <jaybynum@adelphia.net>. Plaintiff also used that email address. The email address listed on the Court's docket is <kaybynum@adelphia.net>. The letter and notice were electronically served to the latter address.

Defendant did not file an opposition to plaintiff's motion to dismiss her amended counterclaims, and the Court granted the motion. Plaintiff asserts in a recently filed declaration that defendant did not appear at the June 14 ADR phone conference. Plaintiff emailed defendant the next day, and defendant replied that she had miscalendared the date for the conference call. Plaintiff asked defendant to contact ADR to reschedule the call. Plaintiff does not believe that defendant has done so, and there is no indication on the Court docket of a rescheduled call.

For the foregoing reasons and for good cause shown, defendant Renee Norwood is hereby ORDERED to file with the Court by **5:00 p.m. on Monday, August 8**, a **written** explanation as to:

- why she did not participate in the ADR conference call as directed;
- whether she still wishes to participate in mediation; and
- what her plans are for the case, including whether she plans to retain an attorney, and whether she plans to prosecute her counterclaims.²

Defendant is further advised that a case management conference is scheduled for **August 12, 2011 at 3:00 p.m.** Defendant shall appear at the conference, either in person or by telephone.

Defendant is further advised that failure to comply with court orders can result in sanctions, including but not limited to the striking of her answer. Additionally, her counterclaims can be dismissed if she fails to prosecute them.

IT IS SO ORDERED.

Dated: July 26, 2011



SUSAN ILLSTON
United States District Judge

According to counsel's letter, defendant's husband's name is Jay Bynum, and it appears that the correct email address is therefore <jaybynum@adelphia.net>.

² Plaintiff's motion for an order to show cause is GRANTED IN PART and DENIED IN PART. (Doc. 52.)